United States Department of Labor Employees' Compensation Appeals Board

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| C.R., Appellant |) |
| and |) Docket No. 15-0737 |
| U.S. POSTAL SERVICE, POST OFFICE, Columbus, OH, Employer |) Issued: August 3, 2015)) _) |
| Appearances: Alan J. Shapiro, Esq., for the appellant Office of Solicitor, for the Director | Case Submitted on the Record |

ORDER REMANDING CASE

Before:

CHRISTOPHER J. GODFREY, Chief Judge PATRICIA H. FITZGERALD, Deputy Chief Judge COLLEEN DUFFY KIKO, Judge

On February 16, 2015 appellant, through counsel, filed an appeal of a November 25, 2014 decision of the Office of Workers' Compensation Programs (OWCP), in claim number xxxxxx096. By that decision an OWCP hearing representative affirmed OWCP's February 26, 2014 decision denying her claim for disability beginning October 19, 2013. The appeal was docketed as 15-737.

In the November 25, 2014 decision, an OWCP hearing representative referred to a report completed by Dr. Charles May, a family practitioner, in claim number xxxxxx601, and indicated that he saw appellant for bilateral injuries to both knees on September 26, 2013 and related her complaints and physical findings to an injury on February 25, 2009.² The hearing representative questioned why Dr. May had issued reports implicating both the July 2013 incident and the 2009 injury as the cause of appellant's condition. She also directed that the claimant's knee injury cases be combined or that the appropriate documents be placed in the instant claim. Claim number xxxxxxx601 is not in the record before the Board.

¹ OWCP accepted that appellant, a letter carrier sustained a contusion and strain to the right knee and right elbow in the performance of duty on July 16, 2013.

² The report is not in the record before the Board.

The Board has duly considered the matter and concludes that the case is not in posture for a decision. OWCP procedures provide that cases should be doubled when a new injury is reported for an employee who previously filed an injury claim for a similar condition and further indicates that the cases should be doubled as soon as the need to do so becomes apparent.³ As the hearing representative referenced appellant's knee claim in claim number xxxxxxx601, the Board concludes that OWCP should have doubled the case files in accordance with its procedures. As the record before the Board does not contain evidence from the claim number xxxxxxx601 referenced by the hearing representative, the Board is unable to properly address and adjudicate the matter. On remand, OWCP should combine the present case record, claim number xxxxxxx096, with claim number xxxxxxx601. After combining these two case records, it should consider the evidence contained in the combined case record and, following any necessary further development, issue an appropriate merit decision on the issue of whether appellant is entitled to compensation for disability beginning October 19, 2013.

IT IS HEREBY ORDERED THAT the November 25, 2014 decision of the Office of Workers' Compensation Programs be set aside and the case remanded to OWCP for further proceedings consistent with this order of the Board.

Issued: August 3, 2015 Washington, DC

> Christopher J. Godfrey, Chief Judge Employees' Compensation Appeals Board

> Patricia H. Fitzgerald, Deputy Chief Judge Employees' Compensation Appeals Board

> Colleen Duffy Kiko, Judge Employees' Compensation Appeals Board

³ Federal (FECA) Procedure Manual, Part 2 -- Claims, *Doubling Case Files*, Chapter 2.400.8(c)(1) (February 2000); *see T.M.*, Docket Nos. 09-1090 & 09-2226 (issued March 8, 2010).